**THE HON'BLE SRI JUSTICE BILAL NAZKI**

**AND**

**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

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**WRIT PETITION NO.4975 OF 2006**

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Date: 14-03-2006

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Between:

M/s Lokesh Aqua Products Pvt. Ltd …Petitioner

And

The Commercial Tax Officer and others …Respondents

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**THE HON'BLE SRI JUSTICE BILAL NAZKI**

**AND**

**THE HON'BLE SRI JUSTICE G.CHANDRAIAH**

**WRIT PETITION NO.4975 OF 2006**

**O R D E R (Per the Hon'ble Sri Bilal Nazki, J):**

Heard learned counsel for the parties. With their consent, the writ petition is being disposed of at this stage.

The controversy is that pending appeal, application for stay filed by the petitioner was dismissed by the competent authority. We have gone through the record and heard learned counsel for the parties. We feel that the interest of justice would have been met if stay was granted pending appeal, subject to deposit of 50 per cent of the disputed tax. Therefore, we set aside the order of the authority and direct that 25 per cent of the disputed tax shall be paid by the petitioner, on or before 31st March 2006 and the remaining 25 per cent shall be paid by him within two weeks thereafter. For this period, there shall be an unconditional stay and the stay shall continue till disposal of the appeal, provided the amount is deposited within the time as stipulated above. The deposit of amount shall be without prejudice to the rights of the petitioner in the appeal. However, if the petitioner has already paid any amount towards the disputed tax, while calculating the 50 per cent amount, the amount already paid by the petitioner shall be given credit to. The distraint order is also suspended till the appeal is disposed of.

The writ petition is accordingly disposed of. No order as to costs.

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(Bilal Nazki, J)

14th March, 2006

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(G.Chandraiah, J)

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**Note:** Issue wire at party' cost

(b/o)

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